

Attorney Docket No. 81862P173

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FEB 13 2004

Technology Center 2100

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Man Pak Yip, et al.

Application No.: 09/496,990

Filed: February 2, 2000

For: HYBRID CONNECTION ADMISSION
CONTROL USING COMBINED MODEL-
BASED AND MEASUREMENT-BASED
ESTIMATORS

Examiner: Qureshi, Shabana

Art Unit: 2155

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

EXPRESS MAIL STATEMENT

"Express Mail" mailing label number: EV33658776US
Date of Deposit: February 10, 2004

I hereby state that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Christopher P. Marshall

(Type or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

(Date Signed)

2/10/2004

PETITION PURSUANT TO MPEP § 711.03(C) TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

Sir:

Applicants hereby petition for withdrawal of abandonment of the above-referenced patent application. The mailing date of the Notice of Abandonment is December 10, 2003. Pursuant to 37 C.F.R. § 1.181(f), this Petition is timely filed within two months of the mailing date of the Notice of Abandonment.

Applicants respectfully submit that the failure to timely respond to the Final Office Action of May 19, 2003 within the statutory period was the result of the applicants and their attorneys not receiving the Final Office Action. Attached is 1) a Declaration of Lester J. Vincent in support of this Petition to Withdraw Holding of Abandonment Based On Failure To Receive

Final Office Action, and 2) a copy of the docket records, wherein the Final Office Action of May 19, 2003 would have been entered had it been received and docketed.

Applicants respectfully request that the holding of abandonment be withdrawn.

Applicants respectfully request that the Final Office Action of May 19, 2003 be remailed.

To expedite prosecution, applicants have enclosed an Amendment Under 37 C.F.R. § 1.116 in response to the Final Office Action of May 19, 2003.

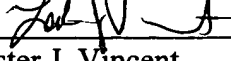
Alternatively, applicants hereby petition under 37 C.F.R. § 1.137(a) that the application be revived given that the delay was unavoidable. Applicants respectfully submit that the entire delay in filing the required reply was unavoidable given that applicants did not receive a copy of the Final Office Action of May 19, 2003 until December 17, 2003, which was after the date of the Notice of Abandonment.

Please charge our Deposit Account No. 02-2666 for any fees.

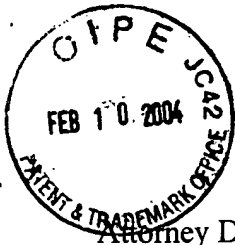
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: February 10, 2004

By 
Lester J. Vincent
Reg. No. 31,460

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300



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Christopher P. Marshall

(Type or printed name of person mailing paper or fee)

CP Marshall

(Signature of person mailing paper or fee)

(Date Signed)

2/10/2004

DECLARATION OF LESTER J. VINCENT IN SUPPORT OF PETITION TO WITHDRAW
HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

Sir:

I, Lester J. Vincent, hereby declare and say as follows:

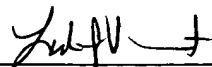
- (1) I am an attorney and partner at the firm of Blakely, Sokoloff, Taylor & Zafman LLP (BSTZ) in Sunnyvale, California.
- (2) The present application was filed on February 2, 2000 by an attorney at BSTZ.
- (3) An Office Action mailed October 23, 2002 was received in the Los Angeles office of BSTZ on October 29, 2002.

- (4) An Amendment with a one month Petition for Extension of Time was filed February 24, 2003.
- (5) Examiner Shabana Qureshi called Thinh V. Nguyen, an associate at BSTZ, on December 3, 2003 asking the status of the patent application and whether the application had been abandoned or not.
- (6) I spoke with Examiner Qureshi on December 3, 2003 and she said she had mailed a Final Office Action dated May 19, 2003. I told Examiner Qureshi that I had not received the Final Office Action.
- (7) Examiner Qureshi said she checked with the Primary Examiner. Examiner Qureshi said she would issue a Notice of Abandonment for the patent application.
- (8) A Notice of Abandonment was mailed December 10, 2003. The Notice of Abandonment was received in the Los Angeles office of BSTZ on December 17, 2003.
- (9) I have searched the file jacket and the docket records of BSTZ and can find no indication of a Final Office Action (of May 19, 2003) being received by BSTZ.
- (10) A complete copy of the BSTZ docket records for the present application is attached.

- (11) The docket records show (1) deadlines for responding to the Office Action of October 23, 2002; (2) a target date for looking for the next Office Action; and (3) target dates for reviving the application. The docket records do not show any receipt of the Final Office Action of May 19, 2003.
- (12) On December 19, 2003, I obtained a photocopy of the Office Action dated May 19, 2003 (that we did not receive in the mail) through our D.C. associate who I asked on December 15, 2003 to retrieve a photocopy of the Office Action from the U.S. Patent and Trademark Office.
- (13) Attached is an Amendment Under 37 C.F.R. § 1.116, which is a response by applicants to the photocopy of the Office Action dated May 19, 2003 retrieved from the PTO.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Date: February 10, 2004



Lester J. Vincent
Reg. No. 31,460

Date 1/23/2003

(as mm/dd/yy)

add broadening reissue deadline. 2 years from issue date

Code 176

Client Number 81862

Matter Number P173

Docket Attys LJV TVN

Resp. Atty

Billing Atty

Sup. Partner

NAME Cisco Technology, Inc.

LJV

LJV

Country

Code 1

Hard deadline X

Ref. Number 496990

HDD: X

Description Response due

C
dc
ACheck if cleared
by Sec. Request

Cleared by Date extended; auto clear

Event Status c

Date Cleared 1/23/2003

Status Cleared

Docket Initials me

Remarks:

label printed 10/29/2002 na

Clear?

☐

Change to Entry?

☐

Created by: Natalie Adair

Modified by: Michelle Edmund

Client# Matter# 81862.P173

1/23/2003

Date 2/23/2003 (as mm/dd/yy)

add broadening reissue deadline. 2 years from issue date

Code 176

Client Number 81862

Matter Number P173

Docket Attys LJV ROR

Resp. Atty

Billing Atty

Sup. Partner

NAME Cisco Technology, Inc.

LJV

LJV

Country

Code 1e1

Hard deadline X

Ref. Number 496990

HDD: X

Description Response due, 1st extension

C
dc
ACheck if cleared
by Sec. Request

Cleared by Date extended; auto clear

Event Status c

Date Cleared 2/25/2003

Status Cleared

Docket Initials me

Remarks:

label printed

Clear? ☐Change to Entry? ☐

02/06/03 cak - Please REMOVE TVN's initials and ADD Rob O'Rourke's initials to this docket entry.

Created by: Michelle Edmund

Modified by: Michelle Edmund

Client# Matter# 81862.P173

2/25/2003

Date 3/23/2003 (as mm/dd/yy)

add broadening reissue deadline. 2 years from issue date
Code 176

Client Number 81862

Matter Number P173

Docket Attys LJV ROR

Resp. Atty

Billing Atty

Sup. Partner

NAME Cisco Technology, Inc.

LJV

LJV

Country

Code 1e2

Hard deadline X

Ref. Number 496990

HDD: X

Description Response due, 2nd extension

C
dc
ACheck if cleared
by Sec. Request

Cleared by Postcard

Event Status c

Date Cleared 2/24/2003

Status Cleared

Docket Initials arh

Remarks:

label printed

Clear? ☐Change to Entry? ☐

02/06/03 cak - Please REMOVE TVN's initials and ADD Rob O'Rourke's initials to this docket entry.

Created by: Michelle Edmund

Modified by: Cathy Kerr

Client# Matter# 81862.P173

12/22/2003

Date 9/23/2003 (as mm/dd/yy)

add broadening reissue deadline. 2 years from issue date
Code 176

Client Number 81862

Matter Number P173

Docket Attys LJV ROR

Resp. Atty

Billing Atty

Sup. Partner

NAME Cisco Technology, Inc.

LJV

LJV

Country

Code 89

Hard deadline

Ref. Number 496990

HDD:

Description Next office action due; if not received, file request for status

C
dc
ACheck if cleared
by Sec. Request

Cleared by Notice of Abandonment

Event Status c

Date Cleared 12/17/2003

Status Cleared

Docket Initials na

Remarks:

label printed

Clear?

☐

Change to Entry?

☐

Created by: Adele Hysen

Modified by: Natalie Adair

Client# Matter# 81862.P173

12/17/2003

Date 3/10/2004 (as mm/dd/yy)

add broadening reissue deadline. 2 years from issue date
Code 176

Client Number 81862

Matter Number P173

Docket Attys LJV ROR TVN

Resp. Atty

Billing Atty

Sup. Partner

NAME Cisco Technology, Inc.

LJV

LJV

Country

Code 39

Hard deadline X

Ref. Number 496990

HDD: X

Description Deadline to revive abandoned application

C
dc
ACheck if cleared
by Sec. Request

Cleared by

Event Status

Date Cleared

Status Active

Docket Initials

Remarks:

label printed 12/17/2003 na

Clear? ☐Change to Entry? ☐

12/22/03 cak - Please ADD TVN's initials to this docket entry, per LJV.

Created by: Natalie Adair

Modified by: Cleto C.

Client# Matter# 81862.P173

12/23/2003

Date 2/10/2004 (as mm/dd/yy)

add broadening reissue deadline. 2 years from issue date
Code 176

Client Number 81862

Matter Number P173

Docket Attys LJV ROR TVN

Resp. Atty

Billing Atty

Sup. Partner

NAME Cisco Technology, Inc.

LJV

LJV

Country

Code 39r

Hard deadline

Ref. Number 496990

HDD:

Description Reminder: Deadline to revive abandoned application is 3/10/04

C
dc
ACheck if cleared
by Sec. Request

Cleared by

Event Status

Date Cleared

Status Active

Docket Initials

Remarks:

label printed 12/17/2003 na

Clear? ☐Change to Entry? ☐

12/22/03 cak - Please ADD TVN's initials to this docket entry, per LJV.

Created by: Natalie Adair

Modified by: Cleto C.

Client# Matter# 81862.P173

12/23/2003